

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.)
)
MICHAEL JOYNER)

Case No. 1:01-CR-160-004

JUDGE COLLIER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on January 18, 2007, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision of Supervising U.S. Probation Officer Janet F. Landers. Those present for the hearing included:

- (1) AUSA John MacCoon for the USA.
- (2) The supervised releasee, MICHAEL JOYNER.
- (3) Attorney Rita LaLumia with Federal Defender Services of Eastern Tennessee for defendant.
- (4) Deputy Clerk Russell Eslinger.
- (5) Court reporter Shannan Andrews.

After being sworn in due form of law, the supervised releasee was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney LaLumia was appointed to represent the defendant. It was determined that defendant had been provided with and reviewed with counsel a copy of the Petition for a Warrant or Summons for an Offender Under Supervision. It was also determined the defendant was capable of being able to read and understand the documents he had been provided.

Defendant waived his right to a preliminary hearing and requested a detention hearing which was held.

AUSA MacCoon moved the defendant be detained without bail pending his revocation hearing before U.S. District Judge Curtis L. Collier.

Detention Hearing Proof

AUSA MacCoon called U.S. Probation Officer Janet F. Landers to testify as to the factual allegations set forth in the petition and she was cross-examined by Attorney LaLumia. In addition, Attorney LaLumia made a proffer including that defendant Joyner would promise to abide by all

terms and conditions of release if allowed on bond pending his revocation hearing before Judge Collier.

Findings

- (1) Based upon the petition and defendant's waiver of preliminary hearing, the undersigned finds there is probable cause to believe the defendant has committed violations of his conditions of supervised release as alleged in the petition.
- (2) The defendant has not carried his burden of demonstrating that, if released, he would not pose a danger to another person or to the community under Fed. R. Crim. P. 32.1(a)(6).

Conclusions

It is ORDERED:

- (1) The supervised releasee shall appear for a revocation hearing before U.S. District Judge Curtis L. Collier.
- (2) The motion of AUSA MacCoon that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.
- (3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, February 8, 2007 at 9:00 a.m.**

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE